

**UNITED STATES DISTRICT COURT  
NORTHERN DISTRICT OF OHIO  
EASTERN DIVISION**

JAMES HAYDEN,

Plaintiff,

v.

2K GAMES, INC. and TAKE-TWO  
INTERACTIVE SOFTWARE, INC. ,

Defendants.

CASE NO. 1:17-cv-02635-CAB

**DECLARATION OF CHRIS ILARDI IN SUPPORT OF DEFENDANTS  
TAKE-TWO INTERACTIVE SOFTWARE, INC. AND 2K GAMES, INC.'S  
MEMORANDUM OF LAW IN OPPOSITION TO PLAINTIFF JAMES HAYDEN'S  
MOTION TO EXCLUDE THE EXPERT TESTIMONY OF JAMES E. MALACKOWSKI**

I, Chris Ilardi, declare as follows:

1. I am a Partner at the law firm of Kirkland & Ellis LLP. I submit this declaration in support of Defendants Take-Two Interactive Software, Inc. and 2K Games, Inc.'s memorandum of law in opposition to Plaintiff James Hayden's motion to exclude the expert testimony of James E. Malackowski.

2. Attached hereto as Exhibit A is a true and correct copy of excerpts from the deposition transcript of Michal A. Malkiewicz, dated August 19, 2021.

3. Attached hereto as Exhibit B is a true and correct copy of excerpts from the deposition transcript of James E. Malackowski, dated August 26, 2021.

4. Attached hereto as Exhibit C is a true and correct copy of excerpts from the deposition transcript of Dr. Ian Bogost, dated August 30, 2021.

I declare under penalty of perjury that the foregoing is true and correct.

Executed this 22nd day of November, 2021.

/s/ Chris Ilardi  
Chris Ilardi